

EXHIBIT 2

(Defendants' Brief in Support of Motion for Summary Judgment)



FILE CLASS/OFFENSE:

13001 - Assault and Battery/Simple Assault
48000 - Resisting Officer

NATURE OF INCIDENT:

1313 - 13001 - Assault and Battery/Simple Assault/ DV/ HILL Vs. Lara/ WONCH

OCCURRED ON: 3/22/2019 9:39:48 PM
(and Between)

VENUE: 427 Liberator Gwinn, MI 49841

CITY/TOWNSHIP: 05 - Forsyth Twp, Marquette

VICTIM: Lara, Vickie Lynn

VICTIM OF: 1313 - 13001 - Assault and Battery/Simple Assault
VICTIM TYPE: Individual

RACE: White
HGT: 5' 5"
EYES: Brown
SSN:

DOB: 4/13/1962
SEX: Female
WGT: 240
ETH:
DLN: L600847564288

AGE: 56
JUV: N - No
HAIR: Black
Circumstances:
DL State: Michigan

ADDRESS INFORMATION:

H - Home:427 Liberator Gwinn, MI MARQUETTE DF - DISTRITO FEDERAL (MEXICO, D. F.)

Phone Information: Emails:

H - Home:(906) 346-2055

NOTES:

VICTIM: Normand, Timothy Edward

VICTIM OF: 1313 - 13001 - Assault and Battery/Simple Assault
VICTIM TYPE: Individual

RACE: White
HGT: 5' 5"
EYES: Brown
SSN:

DOB: 10/16/1964
SEX: Male
WGT: 125
ETH:
DLN: N655793189757

AGE: 54
JUV: N - No
HAIR: Brown
Circumstances:
DL State: Michigan

ADDRESS INFORMATION:

O - Other:463 Mustang St Gwinn, MI 49841 Marquette

O - Other:83 N Mitchell Gwinn, MI 49841 Marquette US - UNITED STATES 3/22/2019

H - Home:415 Norwood St Marquette, MI 49855 Marquette

Phone Information: Emails:

M - Mobile:(906) 361-2827
M - Mobile:(906) 361-2025
M - Mobile:(906) 236-0342

NOTES:

ARRESTEE: Hill, Richard Jack

JUV: N - No
DOB: 9/22/1950
AGE: 68
SEX: Male
RACE: White
HGT: 5' 7"

ARRESTED FOR: 4801 - 48000 - Resisting Officer
1313 - 13001 - Assault and Battery/Simple Assault
ARREST NO: 0000540
TYPE: On-View Arrest
DATE: 3/22/2019

WGT: 250

HAIR: Brown



EYES:

ETH:

Circumstances:

SMT:

SSN:

DLN:

DL State:

ADDRESS INFORMATION:

H - Home: 427 Liberator Gwinn, MI 49841 MARQUETTE US - UNITED STATES

H - Home: 403 N Main St # 2 Ishpeming, MI 49849 Marquette US - UNITED STATES

Phone Information:

Emails:

NOTES:



NARRATIVE:

fopd-43185 - Wonch, Justin

3/23/2019 12:19:51 AM

INFORMATION:

On 03/22/2019 at 2139 hrs, I was dispatched to 427 Liberator Street for a possible domestic violence offense. I made contact with all involved. Richard Jack Hill was subsequently arrested for Domestic Violence. He was transported to the Marquette County Jail where he was lodged without incident. The following information was obtained.

RELATIONSHIP:

Richard Jack Hill and Vickie Lynn Lara have been in a dating relationship for many years, they currently reside together at 427 Liberator Street, Gwinn MI.

CONTACT VICTIM: Vickie Lynn Lara

I made contact with Vickie in the living room of her residence located at 427 Liberator. She was upset. Vickie complained of head pain where she was struck by Richard Hill. Vickie also had a bruise on her arm. She stated the bruise was from the day before and was caused by Richard Hill. Vickie stated the following.

- Vickie and Richard were having an argument because she wanted the garage keys so she could get the car from the garage and leave.
- Richard would not give her the keys.
- Vickie stated she was in the living room near the rocking chair and Richard punched her in the side of the head.
- Vickie said that Timothy whom was visiting, pulled Richard off of her.
- Vickie said that Richard then punched Timothy in the face.
- Vickie said that Richard took the phone from her.
- Vickie said that there has been past domestic violence where she was assaulted by Richard.
- She stated that on the day prior to this incident she was assaulted by Richard.
- Vickie stated that there is documented domestic violence where Richard attacked her with a bat.
- Vickie said that she is scared of Richard.

INJURIES TO VICTIM: Vickie Lynn Lara

There was a large bruise on Vickie's left arm from the incident on the day prior. She complained of soreness on the left side of her head where she was punched on this date. There was not sign of injuries, but the area where she was complaining of pain on her head was under her hair. Vickie was seen by UP Health System Marquette EMS and Forsyth Township EMS. Vickie denied medical treatment. Vickie's injuries were captured on my Body Camera.

CONTACT VICTIM / WITNESS: Timothy Edward Normand

I made contact with Timothy in the living room of 427 Liberator. He witnessed the assault on Vickie Lara and was also assaulted by Richard Hill. Timothy stated the following in regards to the incident.

- Timothy was sitting on a couch in the living room.
- Richard and Vickie were arguing about the garage keys.
- Timothy witnessed Richard punch Vickie in the head.
- Timothy then separated Richard and Vickie.
- Richard then punched Timothy in the face multiple times.
- Timothy stated that Richard also had him by the neck "he choked me".
- Timothy said that he was elbowing Richard in the ribs in an attempt to get him off of him.
- Timothy separated himself from Richard then hit him twice and Richard went down to the ground.
- Timothy said everything calmed down after that.
- Timothy did not witness Richard take the phone from Vickie.



INJURIES TO VICTIM: Timothy Edward Normand

Timothy had no apparent injuries. He was not treated by EMS.

CONTACT SUSPECT: Richard Jack Hill

I made contact with Richard Hill in the living room of his residence located at 427 Liberator. He was highly intoxicated and aggressive. He stated the following.

- Richard denied that anything happened and denied hitting Vickie and Timothy.
- Richard did not have any further information to give.

THE ARREST: Richard Jack Hill

I informed Richard that he was under arrest for Domestic Violence. He was not compliant. I tried to reason with Richard and he stated he was not going to be arrested. Richard stood up aggressively and stated that I was not going to arrest him. He got upset and charged after Vicki and Timothy. Richard was pushing through a living room couch in an attempt to get at Vicki and Timothy. I grabbed Richard by the jacket collar and assisted him to the ground. I had Richard's left arm while he was face down on the floor. I was instructing Richard to give me his other arm. Richard was not complying. I gave Richard several knee strikes toward the hip / waist area in an attempt to gain compliance. Richard finally complied and he was cuffed behind his back. I attempted to help Richard from the floor to bring him to the patrol car. Richard refused to stand or walk. I drug Richard out of the residence by his coat collar. UP Health Systems EMS helped me get Richard into the rear seat of the patrol vehicle.

Preliminary Breath Test (PBT):

Richard was given a PBT to make sure he was below the limit of .30 to be lodged at the Marquette County Jail. The result of the PBT was .214

EVIDENCE:

The incident was captured on body camera and the injuries were also captured by body camera. The body camera footage will be forwarded with this report.

CHARGE:

750.812 - Assault/ Domestic Violence

750.81- Assault

750.81d - Resist and Obstruct a Police Officer

CRIMINAL HISTORY:

Richard Jack Hill shows one prior domestic violence on his criminal history. His CCH will be forwarded with this report

STATUS:

Closed

Respectfully,

Justin T. Wonch, Police Officer

Case Report
DEPARTMENT
Case Report

Case No. 1984100075

Report Date/Time: 3/22/2019 9:39:48 PM
Reporting Officer: Wonch, Justin

Forsyth Township Police Department

**NARRATIVE:**

fopd-36978 - Kjellin, Brian

3/25/2019 11:14:52 AM

SUPPLEMENTAL REPORT - D/Sgt Brian Kjellin

- Follow up Interview - (Victim) Vicky LARA
- Follow up Interview - (Witness) Timothy NORMAN

INFORMATION:

On this date, I made contact with Vicky LARA and Timothy NORMAN at 427 Liberator St, LARA's residence. I asked LARA and NORMAN if I could speak with them further about the incident that occurred between HILL and LARA on Friday, 03/22/2019. Both LARA and NORMAN agreed to speak with me.

My interview with both LARA and NORMAN was completed with the use of my body camera and digital recording device. I first interviewed LARA, and asked NORMAN if he would be willing to go upstairs so I could interview them independently. NORMAN agreed and left the room. Present during the interview was a friend of LARA's, Orin.

FOLLOW UP INTERVIEW - (Victim) Vicky LARA:

I spoke with LARA at her residence, she was sitting in a desk office chair in the living room. I asked LARA if she could explain to me the events of Friday 03/22/2019 going back before 9-1-1 was called. I asked LARA how she was doing, LARA stated, not very good. LARA stated that most of that day HILL had been drinking heavily, LARA explained to me that she had found several little vodka bottles around the house. I asked if HILL had been using anything else, LARA stated just his prescription medications and marijuana. LARA stated that she and HILL had been in a verbal argument over a few things, LARA stated that they were arguing over rent and that HILL had threatened to move out and go live with his son.

LARA stated that she told HILL not to threaten her, and that she would help him pack. LARA stated that HILL wanted her to go to the Shopette and purchase him (HILL) a large bottle of Vodka. LARA told me that she would not do that as she was using a walker to get around. LARA stated that this upset HILL. I asked LARA what led up to HILL assaulting her, LARA stated, because I told him no. LARA stated that HILL repeatedly told LARA, "I told you to go get it", in which LARA responded to HILL telling him she was not, and that she was not going to do it.

I asked LARA where HILL was sitting at that time in the residence, LARA told me that HILL was sitting on the couch in the living room. I asked LARA where she was sitting, LARA indicated that she had been sitting in the same chair as now (office desk chair). LARA indicated that NORMAN had been sitting on another couch also in the living room. I asked LARA about the action that occurred, LARA stated that after several times of telling HILL no, HILL told LARA to go find him a "fucking ride then" and threw some money at her. LARA stated that that she told HILL to walk to the store himself. I asked LARA what happened next, LARA stated it was like a fuse went off on a bomb, LARA stated that HILL came at her and "cold cocked" her in the face. LARA stated that HILL hit her with a closed fist and she should have gone to the hospital.

LARA stated that once HILL struck her, she reacted and HILL asked her what she was going to do about it. LARA stated that she picked up the home telephone and called 9-1-1. LARA stated that HILL told her (LARA) not to do it. LARA stated that she asked for someone to come and help her. I asked what happened next, LARA stated that HILL got more "fused up" and came after her more. LARA stated that NORMAN saw what was happening. LARA stated that NORMAN came across the living room from where he was sitting and grabbed HILL, picked him up and "doused" on the kitchen floor. LARA stated that HILL was trying to get up and get back at her and NORMAN was protecting her. I asked LARA to talk to me about that scuffle between HILL and NORMAN, I asked LARA how long it lasted, LARA indicated that it seemed like forever.

LARA stated that it was back and forth. I asked LARA if she saw HILL put NORMAN in a choke hold, LARA then stated that HILL had her in a "choke hold" where she could not breathe. I asked LARA if she had lost consciousness at all, LARA indicated that she started to. LARA stated that she felt like she was fainting. I asked if she had urinated when HILL was doing that, LARA stated that she did not. LARA



stated that she was collapsing and fainting. I asked LARA to explain to me how HILL was choking her, LARA stated it was not with his hand, she indicated that while in the chair, HILL had his arm around her neck and she could not breathe. I asked LARA if HILL was saying anything to her as this was happening, LARA stated that HILL told her he was going to hurt her.

LARA stated that prior to Officer Wonch arriving at the residence, HILL told LARA that if she was going to put him in jail he was going to kill her. I asked LARA if she was in fear for her life, LARA stated that she was very much in fear for her life. LARA then began to tell me that while Officer Wonch was at the residence he had asked to see HILL'S "I.D.". LARA stated that HILL was refusing to give the identification to Officer Wonch and HILL began staring at her with and "evil" look. LARA stated that HILL got up and came at her in front of Officer Wonch. I asked LARA if she felt HILL was being cooperative with Officer Wonch, LARA stated, no, and told that HILL stated that Officer Wonch was not taking him in and not taking him down. LARA stated that she was in fear for both HILL and Officer Wonch.

I asked LARA how long she and HILL had been together, LARA stated fifteen years, and was not sure how long they have been living together. I asked LARA about other incidents that have occurred between her and HILL, LARA stated that there was and she has been assaulted by HILL in the past where she did not call 9-1-1.

FOLLOW UP INTERVIEW - (Witness) Timothy NORMAN:

I asked LARA if she would be willing to go upstairs so I could speak with NORMAN, LARA stated that she would. I requested that NORMAN come downstairs and sit in the living room. I asked NORMAN if he could tell me about the incident that occurred at the residence the other night, NORMAN indicated that he would. I asked NORMAN to tell me what was going on prior to 9-1-1 being called and the police showing up at the residence. NORMAN stated that he came over to the residence and HILL was in the living room eating. NORMAN indicated that LARA was sitting in the office (desk) chair also located in the living room. I asked NORMAN if HILL appeared to be sober when he (NORMAN) arrived, NORMAN stated, "I have never seen him (HILL) like that". I asked NORMAN if HILL had been drinking quite a bit, NORMAN stated, yeah.

I asked NORMAN on a scale of, been drinking or completely intoxicated where was HILL on that scale, NORMAN indicated that HILL was completely intoxicated. I asked NORMAN how long he knew HILL and LARA, NORMAN stated that he knew them for a few years. I asked NORMAN that while sitting in the living room if something happened between HILL and LARA that caused some concern to him (NORMAN). NORMAN told me that there was some arguing going on over drinking and HILL wanting LARA to go to the store to get him more alcohol. I asked NORMAN what happened next, NORMAN stated that HILL got up, walked around the kitchen, NORMAN stated that he then saw HILL strike LARA several times with a closed fist. I asked NORMAN if he could see where HILL had struck LARA, NORMAN stated that he saw HILL hit LARA in the head and the side.

I asked NORMAN if he heard HILL saying anything to LARA, NORMAN stated that he heard HILL say, "You fucking bitch". I asked NORMAN how long this went on for, NORMAN stated, well I got up and grabbed a hold of HILL. NORMAN stated that he was defending LARA. I asked NORMAN what happened, NORMAN got up and demonstrated that he grabbed on to HILL and pushed him against the wall. NORMAN stated and demonstrated on himself that HILL then struck him in the face with a closed fist and put NORMAN in a type of "choke hold" I asked NORMAN if he felt he was loosing consciousness or anything while HILL was choking him, NORMAN indicated that he had not and could still breathe. NORMAN stated that he then elbowed HILL in the ribs and HILL let go of him. I asked NORMAN how many times did he elbow HILL in the ribs, NORMAN stated just once.

I asked NORMAN what happened then, NORMAN stated that he was not sure if HILL was going after LARA again so NORMAN pushed HILL into the kitchen NORMAN indicated that they both fell to the kitchen floor, I asked NORMAN if HILL fell on top of him or did he land on top of HILL, NORMAN stated that he (NORMAN) landed on top of HILL. NORMAN stated that HILL calmed down until the "Cop" got here and told HILL he was under arrest. I asked NORMAN what happened next, NORMAN stated that HILL went, "ballistic". I asked NORMAN if HILL was being cooperative with the Officer (Wonch), NORMAN stated, "No".

I asked NORMAN if there was any type of action that occurred while Officer Wonch was there towards LARA, NORMAN stated that HILL tried to go over the couch at her (LARA). I asked NORMAN if HILL struck or grabbed LARA at that time, NORMAN indicated that he did not notice that. NORMAN stated that he moved some chairs out of the way and helped the Officer with HILL. NORMAN indicated that he does not like guys that beat up women. I asked NORMAN if there was anything else, NORMAN stated that HILL should not be drinking.

FURTHER CONTACT - (Victim) Vicky LARA:



I asked LARA to come back downstairs, LARA stated that she had put on a tank top so she could show me the large bruise on her arm. I observed a bruise on LARA's left arm near her elbow which was captured on my body camera. I provided LARA with some information about contacting the Women's Shelter and informed LARA about there office on Sawyer where she could meet with them if she desired.

I asked LARA if she had any marks or injury on her neck area, I did not observe any.

STRANGULATION PROTOCOL:

After meeting with LARA and NORMAN, I requested that Cpl Mills return to the residence and go over the strangulation protocol questions with LARA. I advised Cpl Mills that during my interview with LARA she had indicated that during the incident on 03/22/19, HILL had strangled her with his arm to the point where LARA indicated she had almost lost consciousness. Cpl Mills indicated that he would go and speak with LARA. (See Cpl Mills interview with LARA).

CONTACT VICTIM – STRANGULATION – Vicky Lara (Cpl MILLS) 03/25/2019:

I was requested by D/Sgt Kjellin to meet with Vicky Lara at her residence to go over the strangulation protocol questions with her. During Kjellin's follow up interview with Lara she had indicated that when Hill assaulted her, she had been strangled. I obtained the following strangulation information from Lara. The interview was captured on my body camera.

Lara describes that when she was strangled by Richard Hill, Lara indicated that she was sitting in a computer chair facing away from Hill when he came up behind her. Lara stated that Hill then struck her in the head several times, and put her in a choke hold from behind, with the point of his elbow in the area of her chin and squeezing back toward his body with the hand of that arm (Rear Naked Choke). Lara is unsure how long the strangulation by Hill occurred, but her best guess is around one minute. Lara stated that Hill attempted to strangle her twice. Lara stated that she was wearing jewelry during the strangulation and it did remain on her body.

Lara stated that her injuries include some difficulty breathing, some pain in the throat, and difficulty talking and swallowing. Lara stated that her voice has changed slightly since Hill strangled her. Lara stated that she is coughing up Phlegm as a result of the strangulation with Hill. Lara goes on to state that she feels dizzy. Lara does not recall whether she lost consciousness, but she does recall feeling very "light" all over her body and going limp in the seat. Lara stated that she did call 911 twice and that Hill has strangled her before, back in 2011, here in Gwinn. Lara stated while Hill strangled her, he stated that he would kill her. Lara stated that Hill was wearing rings during the strangulation and that he was heavily intoxicated and high on Marijuana

Respectfully,

Brian Kjellin, Detective Sergeant
Forsyth Township Police Department



NARRATIVE:

fopd-36978 - Kjellin, Brian

3/25/2019 2:25:40 PM

SUPPLEMENTAL REPORT - D/Sgt Kjellin

- 9-1-1 Recording Obtained

INFORMATION:

On 03/25/2019, I requested the 9-1-1 call in regards to this incident

- At 1430 I received the recording and placed it into FTPD Digital Evidence folder 19-75

Respectfully,

Brian Kjellin, D/Sgt

Forsyth Township Police Department